

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LOI TAN NGUYEN,)
Plaintiff)
v.) Civil Action No. 04-CV-11781-DPW
NMT MEDICAL, INC.,)
Defendant.)

DEFENDANT NMT MEDICAL'S MOTION FOR LEAVE TO FILE REPLY

Defendant NMT Medical, Inc. (“NMT”) moves for leave to file a memorandum in reply to Plaintiff’s Opposition to its Motion for Summary Judgment.

NMT filed a Motion For Summary Judgment requesting dismissal of Plaintiff's Complaint on August 29, 2006. Plaintiff filed an Opposition to Defendant's Motion for Summary Judgment on October 5, 2006, which raises certain legal issues and mischaracterizes certain facts, requiring a response. Defendant wishes to address facts and arguments referred to in Plaintiff's Opposition, and believes that filing a reply brief will assist the Court in resolving the legal issues necessary for resolution of its Motion for Summary Judgment.

FOR THE FOREGOING REASONS, Defendant respectfully requests that this Court grant its Motion For Leave to file the Reply Memorandum submitted herewith.

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), counsel for NMT certify that they have conferred with Plaintiff Loi Tan Nguyen in an attempt to resolve or narrow the issues addressed in this Motion, but that Plaintiff would not assent to NMT's filing of this Motion

NMT MEDICAL, INC.,

By its attorneys,

/s/ Julie Murphy Clinton

Laura E. Schneider (BBO # 562030)

Julie Murphy Clinton (BBO# 655230)

Wilmer Cutler Pickering Hale and Dorr LLP

60 State Street

Boston, MA 02109

(617) 526-6000

Dated: October 17, 2006

CERTIFICATE OF SERVICE

I, Julie Murphy Clinton, hereby certify that on October 17, 2006, I caused a copy of the foregoing document to be served, by electronic and first class mail, upon plaintiff Loi Tan Nguyen.

/s/ Julie Murphy Clinton

Julie Murphy Clinton